

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BUZZMARKETING, LLC,

Plaintiff,

v.

THE UPPER DECK COMPANY, LLC,

Defendant.

Civil Action No. 03-4392

ORDER

AND NOW, this ____ day of _____, 2003, upon the motion of Defendant, The Upper Deck Company, LLC ("Defendant"), by and through its undersigned counsel, Marshall, Dennehey, Warner, Coleman & Goggin, this Court hereby enters an ORDER granting Defendant's request and allowing Edward S. Zusman, Esquire and Kevin K. Eng, Esquire, of the law firm of Markun, Zusman & Compton, LLP, located at 601 Montgomery Street, Suite 900, San Francisco, California 94111, to practice *Pro Hac Vice* before the United States District Court for the Eastern District of Pennsylvania in representing Defendant in the above captioned proceeding.

Honorable Berle M. Schiller, U.S.D.J.

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Defendant.

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MOTION TO PERMIT APPEARANCE *PRO HAC VICE*

Defendant, The Upper Deck Company, LLC ("Defendant"), by and through its undersigned counsel, Marshall, Dennehey, Warner, Coleman & Goggin ("Marshall, Dennehey"), hereby moves for the admission of Edward S. Zusman, Esquire and Kevin K. Eng, Esquire, *pro hac vice* pursuant to Local Rule of Civil Procedure 83.5.2, and in support thereof avers the following:

1. Attorney Edward S. Zusman, Esquire ("Attorney Zusman") and Kevin K. Eng, Esquire ("Attorney Eng"), of the law firm of Markun, Zusman & Compton, LLP, located at 601 Montgomery Street, Suite 900, San Francisco, California 94111, serve as national counsel to Defendant.

2. Attorney Zusman is a member in good standing of the Bar of the State of California and the United States District Courts for the Northeastern District of California, the Southern District of California, the Central District of California and the Eastern District of California. See Affidavit of Attorney Zusman (Exhibit "A").

3. Attorney Eng is a member in good standing of the Bars of the State of California and the Northern District of California, the Southern District of California and the Central District of California. See Affidavit of Attorney Eng (Exhibit "B").

4. Attorneys Zusman and Eng have never been denied admission or disciplined by this Court, nor have they been denied admission or disciplined by any other Court.

5. Defendant desires Attorneys Zusman and Eng to actively participate as co-counsel on its behalf along with counsel of record from Marshall, Dennehey in the conduct of trial and all pre-trial and post-trial proceedings in this matter.

6. Samuel E. Cohen, Esquire, of the law firm, Marshall, Dennehey, who is hereby moving for the admission of Attorneys Zusman and Eng, is a member in good standing of the Bar of the District Court for the Eastern District of Pennsylvania and has never been the subject of any disciplinary proceedings in any Court. Samuel E. Cohen, Esquire is familiar with the professional competency and integrity of Attorneys Zusman and Eng and moves for their admission without qualification.

WHEREFORE, Defendant, The Upper Deck Company, LLC, respectfully requests that this Honorable Court grant this Motion and thereby authorize Edward S. Zusman, Esquire and Kevin K. Eng, Esquire to appear *pro hac vice* as co-counsel for Defendant, The Upper Deck Company, LLC, in association with its Pennsylvania counsel of record, Samuel E. Cohen, Esquire.

SAMUEL E. COHEN, ESQUIRE
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Coleman & Goggin
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(215) 575-2587

Attorneys for Defendant,
The Upper Deck Company, LLC

CERTIFICATE OF SERVICE

I, Samuel E. Cohen, Esquire, hereby certify that a true and correct copy of Defendant's Motion for Admission Pro Hac Vice was served on this 1st day of October, 2003, via first class mail, postage prepaid, upon the following:

Kathleen K. Barksdale, Esquire
John Churchman Smith & Associates, P.C.
117-119 North Olive Street
P.O. Box 229
Media, PA 19063-0229

SAMUEL E. COHEN, ESQUIRE